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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/675,856

09/30/2003

Jan Pachl

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FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER

CHEN, SHIN HON

ART UNIT

PAPER NUMBER

2131

MAIL DATE

DELIVERY MODE

06/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/675,856

Applicant(s)

PACHL, JAN

Examiner

Shin-Hon Chen

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :9/30/03, 11/8/04, 12/23/04 and 1/27/05.

DETAILED ACTION

1. Claims 1-38 have been examined.

Double Patenting

2. Claims 1-38 of this application conflict with claims 1-38 of Application No. 10/431,193. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

3. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

4. Claims 1-38 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-38 of copending Application No. 10/431,193. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonas U.S. Pub. No. 20040162802 (hereinafter Jonas).

7. As per claim 1, Jonas discloses a method for communication path analysis, the method comprising: retrieving a first communication path rule and a second communication path rule for an access control device, each rule comprising at least one path attribute type specifying at least one attribute and at least one path operation type specifying at least one operation (Jonas: [0010]; data sets include different fields); inserting the first rule into a database (Jonas: [0013]); determining, for at least one path attribute type, whether an attribute of the second rule corresponds to an attribute of the first rule; and when the attribute of the second rule does not correspond to an attribute of the first rule, inserting the attribute of the second rule into the database, along with the at least one operation of the second rule (Jonas: [0017]; creating a new entry into the database if no match is found). Jonas does not explicitly disclose the data is path rules used in firewall environment. However, it would be obvious to one with ordinary skill in the art to apply the database management technique on any data including communication path rules used for access control stored within a database.

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8. As per claims 2, Jonas discloses the method of claim 1. Jonas further discloses wherein retrieving a communication path rule comprises parsing the rule from a firewall configuration file (Jonas: [0013]). Same rationale applies here as above in rejecting claim 1.

9. As per claim 3, Jonas discloses the method of claim 1. Jonas does not explicitly disclose wherein the at least one path attribute type comprises one or more of destination address, source address, service type, and communication time. However, standard firewall configuration files includes filters is well known in the art to include the above-mentioned attributes.

10. As per claim 4, Jonas discloses the method of claim 1. Jonas further discloses wherein inserting the first rule into a database comprises placing the at least one attribute and the at least one operation into a relational database having separate tables for the path attribute type and the path operation type (Jonas: [0017]).

11. As per claim 5, Jonas discloses the method of claim 1. Jonas further discloses determining whether a database query has been received; and if a query has been received, searching the database to determine whether any communication path rules satisfy the query (Jonas: [0013]: utilizing database structure).

12. As per claim 6, Jonas discloses the method of claim 1. Jonas does not explicitly disclose wherein the query criteria comprise one or more of destination address, source address, service type, and communication time. However, standard firewall configuration files includes filters is

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well known in the art to include the above-mentioned attributes and it would have been obvious to one having ordinary skill in the art to use those attribute information in comparing two data sets (Jonas: [0031]).

13. As per claim 7, Jonas discloses the method of claim 1. Jonas further discloses wherein: determining whether an attribute of the second rule corresponds to an attribute of the first rule for at least one path attribute type comprises performing a set difference operation between attributes of the second rule and attributes of the first rule for the at least one path attribute type; and inserting the attribute of the second rule that does not correspond to an attribute of the first rule into the database comprises inserting the results of the set difference operation into the database (Jonas: [0031]).

14. As per claim 8, Jonas discloses the method of claim 1. Jonas further discloses wherein inserting the attribute of second rule that does not correspond to an attribute of the first rule into the database comprises attempting to group at least one type of non-corresponding attributes of the second rule into ranges (Jonas: [0031]).

15. As per claim 9, Jonas discloses the method of claim 1. Jonas further discloses retrieving a first communication path rule for a second access control device; and inserting the first communication path rule for the second access control device into the database (Jonas: [0031]).

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16. As per claim 10, Jonas discloses the method of claim 9. Jonas further discloses determining whether a database query has been received; and if a query has been received, searching the database to determine whether any communication path rules satisfy the query (Jonas: [0013]: utilize database structure).

17. As per claim 11, Jonas discloses the method of claim 1. Jonas further discloses wherein determining whether an attribute of the second rule corresponds to an attribute of the first rule for at least one path attribute type is performed only for a set of operations (Jonas: [0017]: determining if any field in the data match).

18. As per claim 12-38, claims 12-38 disclose system and article that encompass the same scope as claims 1-11. Therefore, claims 12-38 are rejected based on the same reasons set forth above in rejecting claims 1-11.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cooper et al. U.S. Pub. No. 20030061506 discloses system for security policy.

Dutta et al. U.S. Pat. No. 6574666 discloses method for dynamic retrieval loading and deletion of packet rules in a network firewall.

Raanan et al. U.S. Pub. No. 20030226038 discloses method for dynamic refinement of security policies.

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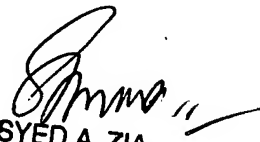
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shin-Hon Chen whose telephone number is (571) 272-3789. The examiner can normally be reached on Monday through Friday 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shin-Hon Chen
Examiner
Art Unit 2131

SC


SYED A. ZIA
PRIMARY EXAMINER